

Fishery Conservation and Management

§ 622.74

rock from the proposed aquacultured live rock site, specification of the port of landing of aquacultured live rock, and a site evaluation report prepared pursuant to generally accepted industry standards that—

(A) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(B) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(C) Discusses possible hazards to safe navigation or hindrance to vessel traffic, traditional fishing operations, or other public access that may result from aquacultured live rock at the site;

(D) Describes the naturally occurring bottom habitat at the site; and

(E) Specifies the type and origin of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate.

§ 622.71 Recordkeeping and reporting.

(a) *Individuals with aquacultured live rock permits.* (1) A person with a Federal aquacultured live rock permit must report to the RA each deposition of material on a site. Such reports must be postmarked not later than 7 days after deposition and must contain the following information:

(i) Permit number of site and date of deposit.

(ii) Geological origin of material deposited.

(iii) Amount of material deposited.

(iv) Source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.

(2) A person who takes aquacultured live rock must submit a report of harvest to the RA. Specific reporting requirements will be provided with the permit. This reporting requirement is waived for aquacultured live rock that is landed in Florida.

(b) [Reserved]

§ 622.72 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) *Power-assisted tools.* A power-assisted tool may not be used in the Gulf

EEZ to take prohibited coral or live rock.

(b) [Reserved]

§ 622.73 Prohibited species.

(a) *General.* The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel.

(b) *Prohibited coral.* Gulf prohibited coral taken as incidental catch in the Gulf EEZ must be returned immediately to the sea in the general area of fishing. In fisheries where the entire catch is landed unsorted, such as the scallop and groundfish fisheries, unsorted prohibited coral may be landed ashore; however, no person may sell or purchase such prohibited coral.

§ 622.74 Area closures to protect Gulf corals.

(a) *West and East Flower Garden Banks HAPC.* The following activities are prohibited year-round in the HAPC: Fishing with a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap and bottom anchoring by fishing vessels.

(1) *West Flower Garden Bank.* West Flower Garden Bank is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	27°55'22.8"	93°53'09.6"
B	27°55'22.8"	93°46'46.0"
C	27°49'03.0"	93°46'46.0"
D	27°49'03.0"	93°53'09.6"
A	27°55'22.8"	93°53'09.6"

(2) *East Flower Garden Bank.* East Flower Garden Bank is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	27°59'14.4"	93°38'58.2"
B	27°59'14.4"	93°34'03.5"
C	27°52'36.5"	93°34'03.5"
D	27°52'36.5"	93°38'58.2"
A	27°59'14.4"	93°38'58.2"

(b) *Florida Middle Grounds HAPC.* Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year-round in the area bounded

§ 622.75

by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	28°42.5'	84°24.8'
B	28°42.5'	84°16.3'
C	28°11.0'	84°00.0'
D	28°11.0'	84°07.0'
E	28°26.6'	84°24.8'
A	28°42.5'	84°24.8'

(c) *Tortugas marine reserves HAPC*. The following activities are prohibited within the Tortugas marine reserves HAPC: Fishing for any species and bottom anchoring by fishing vessels.

(1) *EEZ portion of Tortugas North*. The area is bounded by rhumb lines connecting the following points: From point A at 24°40'00" N. lat., 83°06'00" W. long. to point B at 24°46'00" N. lat., 83°06'00" W. long. to point C at 24°46'00" N. lat., 83°00'00" W. long.; thence along the line denoting the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11434, to point A at 24°40'00" N. lat., 83°06'00" W. long.

(2) *Tortugas South*. The area is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	24°33'00"	83°09'00"
B	24°33'00"	83°05'00"
C	24°18'00"	83°05'00"
D	24°18'00"	83°09'00"
A	24°33'00"	83°09'00"

(d) *Pulley Ridge HAPC*. Fishing with a bottom longline, bottom trawl, buoy gear, pot, or trap and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	24°58'18"	83°38'33"
B	24°58'18"	83°37'00"
C	24°41'11"	83°37'00"
D	24°40'00"	83°41'22"
E	24°43'55"	83°47'15"
A	24°58'18"	83°38'33"

(e) *Stetson Bank HAPC*. Fishing with a bottom longline, bottom trawl, buoy gear, pot, or trap and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting, in order, the following points:

50 CFR Ch. VI (10–1–13 Edition)

Point	North lat.	West long.
A	28°10'38.3"	94°18'36.5"
B	28°10'38.3"	94°17'06.3"
C	28°09'18.6"	94°17'06.3"
D	28°09'18.6"	94°18'36.5"
A	28°10'38.3"	94°18'36.5"

(f) *McGrail Bank HAPC*. Fishing with a bottom longline, bottom trawl, buoy gear, pot, or trap and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	27°59'06.0"	92°37'19.2"
B	27°59'06.0"	92°32'17.4"
C	27°55'55.5"	92°32'17.4"
D	27°55'55.5"	92°37'19.2"
A	27°59'06.0"	92°37'19.2"

§ 622.75 Harvest limitations.

(a) *Aquacultured live rock*. In the Gulf EEZ:

(1) Aquacultured live rock may be harvested only under a permit, as required under § 622.70(a)(2), and aquacultured live rock on a site may be harvested only by the person, or his or her employee, contractor, or agent, who has been issued the aquacultured live rock permit for the site. A person harvesting aquacultured live rock is exempt from the prohibition on taking prohibited coral for such prohibited coral as attaches to aquacultured live rock.

(2) The following restrictions apply to individual aquaculture activities:

(i) No aquaculture site may exceed 1 acre (0.4 ha) in size.

(ii) Material deposited on the aquaculture site—

(A) May not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas.

(B) Must be free of contaminants.

(C) Must be nontoxic.

(D) Must be placed on the site by hand or lowered completely to the bottom under restraint, that is, not allowed to fall freely.

(E) Must be placed from a vessel that is anchored.

(F) Must be distinguishable, geologically or otherwise (for example, be indelibly marked or tagged), from the naturally occurring substrate.